

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC et al.,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

Case No. 20-cv-00983 TSZ

DECLARATION OF SHANE P. CRAMER
IN SUPPORT OF CITY OF SEATTLE'S
MOTION FOR SUMMARY JUDGMENT

I, Shane P. Cramer, declare as follows:

1. I am one of the attorneys representing the City of Seattle in this action. I am over age 18, competent to be a witness, and making this declaration based on facts within my own personal knowledge.

2. Attached as **Exhibit 1** is a true and correct copy of an article published by The Seattle Times dated May 29, 2020 titled, "*Sparked by death of George Floyd, Seattle protesters clash with police*". This article was collected from this website:

<https://www.seattletimes.com/seattle-news/protesters-break-windows-clash-with-police-in-downtown-seattle/> on September 16, 2021.

3. Attached as **Exhibit 2** is a true and correct copy of an article published by The New

1 York Times dated November 5, 2021 titled, “*George Floyd Protests: A Timeline*”. This article
2 was collected from this website: [https://www.nytimes.com/article/george-floyd-protests-](https://www.nytimes.com/article/george-floyd-protests-timeline.html)
3 [timeline.html](https://www.nytimes.com/article/george-floyd-protests-timeline.html) on January 30, 2022.

4 4. Attached as **Exhibit 3** is a true and correct copy of excerpts from the deposition of
5 Former Seattle Mayor Jenny Durkan taken in this matter on December 8, 2021.

6 5. Attached as **Exhibit 4** is a true and correct copy of excerpts from the deposition of
7 Seattle Fire Department Chief Harold Scoggins taken in this matter on September 14, 2021.

8 6. Attached as **Exhibit 5** is a true and correct copy of the *Mayoral Proclamation of*
9 *Civil Emergency for the City of Seattle* signed May 30, 2020 by Mayor Jenny Durkan. This
10 document was collected from this website on February 19, 2022: [https://durkan.seattle.gov/wp-](https://durkan.seattle.gov/wp-content/uploads/sites/9/2020/05/0897_001.pdf)
11 [content/uploads/sites/9/2020/05/0897_001.pdf](https://durkan.seattle.gov/wp-content/uploads/sites/9/2020/05/0897_001.pdf).

12 7. Attached as **Exhibit 6** is a true and correct copy of excerpts from the deposition of
13 Seattle Police Department Assistant Police Chief Thomas Mahaffey taken in this matter on
14 January 26, 2022.

15 8. Attached as **Exhibit 7** is a true and correct copy of excerpts from the deposition of
16 Matthew Ploszaj taken in this matter on June 10, 2021.

17 9. Attached as **Exhibit 8** is a true and correct copy of excerpts from the deposition of
18 Stephanie Formas taken in this matter on April 30, 2022.

19 10. Attached as **Exhibit 9** is a true and correct copy of excerpts from the deposition of
20 Former Seattle Police Chief Carmen Best taken in this matter on November 9, 2021.

21 11. Attached as **Exhibit 10** is a true and correct copy of excerpts from the deposition of
22 Former Seattle Department of Transportation Director Sam Zimbabwe taken in this matter on
23 October 28, 2021.

24 12. Attached as **Exhibit 11** is a true and correct copy of an email exchange amongst
25 several City of Seattle employees, including Seattle Transportation Director Sam Zimbabwe, dated

June 10, 2020 with an attached map of street barriers. This document has been produced in this matter by the City of Seattle under Bates number SEA_00137341 – SEA_00137346. This document was marked as exhibit 8 to the deposition of Sam Zimbabwe.

13. Attached as **Exhibit 12** is a true and correct copy of that same email with attachments provided in color.

14. Attached as **Exhibit 13** is a true and correct copy of an email exchange amongst several employees of the Seattle Police Department dated June 16, 2020 with an attached map of barrier placement. This document has been produced in this matter by the City of Seattle under Bates number SEA-SPD_006803 – SEA-SPD_006804 and was marked as deposition exhibit 15 during the January 26, 2022 deposition of Assistant Police Chief Thomas Mahaffey.

15. Attached as **Exhibit 14** is a true and correct copy of excerpts from Plaintiff's Answers and Responses to Defendant City of Seattle's Second Discovery Requests dated May 10, 2021.

16. Attached as **Exhibit 15** is a true and correct copy of excerpts from the deposition of Former General Manager and CEO of Seattle Public Utilities Mami Hara taken in this matter on October 4, 2021.

17. Attached as **Exhibit 16** is a true and correct copy of excerpts from the deposition of John McDermott, SRJ d/b/a Car Tender's Rule 30(b)(6) designee, taken in this matter on January 19, 2022.

18. Attached as **Exhibit 17** is a true and correct copy of excerpts from the deposition of Wade Biller, Onyx Homeowners Association's Rule 30(b)(6) designee, taken in this matter on December 10, 2021.

19. Attached as **Exhibit 18** is a true and correct copy of a PowerPoint presentation titled, *Seattle Fire Department Response to protests and CHAZ/ CHOP* presented by Chief Scoggins in August 2021 to the NHSC (National Homeland Security Conference). This document

1 has been produced in this matter by the City of Seattle under Bates number SEA_00144709 and
2 was marked as deposition exhibit 5 during the September 14, 2021 deposition of Chief Harold
3 Scoggins.

4 20. Attached as **Exhibit 19** is a true and correct copy of an email dated June 12, 2020
5 sent to officers within the Seattle Police Department by Jason Verhoff. This document has been
6 produced in this matter by the City of Seattle under Bates number SEA-SPD_005983 – SEA-
7 SPD_005984 and was marked as deposition exhibit 2 during the January 26, 2022 deposition of
8 Assistant Police Chief Thomas Mahaffey.

9 21. Attached as **Exhibit 20** is a true and correct copy of excerpts from the deposition of
10 Joey Furuto taken in this matter on March 18, 2022.

11 22. Attached as **Exhibit 21** is a true and correct copy of excerpts from the June 3, 2022
12 rebuttal report of Plaintiffs' Expert Arik Van Zandt.

13 23. Attached as **Exhibit 22** is a true and correct copy of Executive Order 2020-08
14 signed on June 30, 2020 by Mayor Jenny Durkan. This document has been produced in this matter
15 by the City of Seattle under Bates number SEA_00045264 – SEA_00045268 was marked as
16 deposition exhibit 1 during the December 8, 2021 deposition of Mayor Jenny Durkan.

17 24. Attached as **Exhibit 23** is a true and correct copy of an email dated June 20, 2020
18 from Mayor Jenny Durkan to Police Chief, Carmen Best and Fire Chief, Harold Scoggins. This
19 document has been produced in this matter by the City of Seattle under Bates number
20 SEA_00125617 and was marked as deposition exhibit 2 during the December 8, 2021 deposition
21 of Mayor Jenny Durkan.

22 25. Attached as **Exhibit 24** is a true and correct copy of the Complaint for Damages on
23 Behalf of Black Lives Matter Protesters for Wrongful Death, Personal Injuries and Civil Rights
24 Violations in the matter of *The Estate of Summer Jolie Williams Taylor, et al. v. City of Seattle and*
25 *State of Washington* (King County Superior Court Case No. 20-2-14351-1 SEA).

26. Attached as **Exhibit 25** is a true and correct copy of Dkt. No. 1, Complaint, filed June 9, 2020 in the matter of *Black Lives Matter Seattle-King County, et al. v. City of Seattle* Case No. 2:20-cv-887-RAJ, (USDC-WDWA).

27. Attached as **Exhibit 26** is a true and correct copy of Dkt. No. 34, Order Granting in Part Motion for Temporary Restraining Order, filed June 12, 2020 in the matter of *Black Lives Matter of Seattle-King County, et. al. v. City of Seattle and City of Seattle Police Department* (Case No. 2:20-cv-00887-RAJ, USDC-WDWA).

28. Attached as **Exhibit 27** is a true and correct copy of Dkt. No. 3-1, Settlement Agreement and Stipulated [Proposed] Order of Resolution, filed July 27, 2012 in the matter of *United States of America v. City of Seattle* (Case No. 2:12-cv-01282-JLR, USDC-WDWA).

29. Attached as **Exhibit 28** is a true and correct copy of excerpts from the deposition of Lonnie Thompson, Bergman's Lock and Key Rule 30(b)(6) designee, taken in this matter on May 4, 2021.

30. Attached as **Exhibit 29** is a true and correct copy of excerpts from the deposition of Sean Sheffer, Shuffle LLC d/b/a Cure Cocktails' Rule 30(b)(6) designee, taken in this matter on May 18, 2021.

31. Attached as **Exhibit 30** is a true and correct copy of excerpts from the deposition of Bill Donner, Richmark Label's Rule 30(b)(6) designee, taken in this matter on November 16, 2021.

32. Attached as **Exhibit 31** is a true and correct copy of excerpts from the deposition of Tamara Kilburn, Sway and Cake's Rule 30(b)(6) designee, taken in this matter on May 7, 2021.

33. Attached as **Exhibit 32** is a true and correct copy of a excerpts from the deposition of Joseph Wanagel, Olive ST Apartments' Rule 30(b)(6) designee, taken in this matter on May 21, 2021.

34. Attached as **Exhibit 33** is a true and correct copy of a excerpts from the deposition

1 of Seth Stoughton, taken in this matter on August 30, 2022.

2 35. Attached as **Exhibit 34** is a true and correct copy of a excerpts from the deposition
3 of Jon Shane, Ph.D., taken in this matter on August 11, 2022.

4 36. Attached as **Exhibit 35** is a true and correct copy of a excerpts from the deposition
5 of Arik Van Zandt, taken in this matter on September 14, 2022.

6 37. Attached as **Exhibit 36** is a true and correct copy of a letter dated March 26, 2020
7 sent to Hunters Capital / Lots II, from Kim Ellis, Sr. Vice-President of Real Estate and
8 Development for GameStop. This document has been produced in this matter by plaintiffs under
9 Bates number CHOP-0027040.

10 38. Attached as **Exhibit 37** is a true and correct copy of an email exchange dated July
11 17 - 20, 2020 between Greg Bellinger of Hunters Capital tenant, White Rabbit and Jill Cronauer of
12 Hunters Capital. This document has been produced in this matter by plaintiffs under Bates number
13 CHOP-0014726-0014727.

14 39. Attached as **Exhibit 38** is a true and correct copy of an email exchange dated April
15 – July, 2020 between a Hunters Capital tenant and Jill Cronauer of Hunters Capital. This
16 document has been produced in this matter by plaintiffs under Bates number CHOP-0004594 -
17 0004606. This document is being provisionally filed under seal.

18 40. Attached as **Exhibit 39** is a true and correct copy of a notice dated May 29, 2020
19 posted by The Riveter on their website. This document was marked as Exhibit 81 to the
20 September 30, 2021 deposition of Jill Cronauer. It was most recently accessed September 28,
21 2022 by my office staff at this website: <https://theriveter.co/spaces-update/>.

22 41. Attached as **Exhibit 40** is a true and correct copy of an email exchange dated
23 August – November, 2020 between a Hunters Capital tenant and Jill Cronauer of Hunters Capital.
24 This document has been produced in this matter by plaintiffs under Bates number CHOP-0012168
25 - 0012174. This document is being provisionally filed under seal.

1 42. Attached as **Exhibit 41** is a true and correct copy of a excerpts from the deposition
2 of Andrea Augustine Curtis, taken in this matter on September 26, 2022.

3 43. Attached as **Exhibit 42** is a true and correct copy of excerpts from the June 3, 2022
4 rebuttal report of City of Seattle's Expert William Partin. This document is being provisionally
5 filed under seal.

6 44. Attached as **Exhibit 43** is a true and correct copy of excerpts from the deposition of
7 Michael Malone, taken in this matter on August 22, 2022.

8 45. Attached as **Exhibit 44** is a true and correct copy of a letter dated June 24, 2020
9 sent to Jill Cronauer and Amy Nelson of Hunters Capital from Mike Fong, Senior Deputy Mayor
10 for the City of Seattle. This document has been produced in this matter by plaintiffs under Bates
11 number CHOP-0000718-0000719.

12 46. Attached as **Exhibit 45** is a true and correct copy of an email exchange dated
13 March 7, 2022 between Wade Bill and other members of the Onyx Homeowners Associations
14 Board of Directors. This document has been produced in this matter by plaintiffs under Bates
15 number CHOP-0055420 - 0055421.

16 47. Attached as **Exhibit 46** is a true and correct copy of excerpts from the deposition of
17 Jill Cronauer, taken in this matter on September 32, 2021.

18 48. Attached as **Exhibit 47** is a true and correct copy of Plaintiffs' Supplemental
19 Response to Amended Interrogatory No. 3.

20 49. Attached as **Exhibit 48** is a true and correct copy of an article from
21 www.capitolhillseattle.com, which was marked as Exhibit 210 during the September 14, 2022
22 deposition of Arik Van Zandt.

23 50. Attached as **Exhibit 49** is a true and correct copy of an excerpt from the Expert
24 Report of Arik Van Zandt in this action.

25 51. Attached as **Exhibit 50** is a true and correct copy of an excerpt of Chapter 1 of the

1 Seattle Fire Code, which my staff accessed on September 29, 2022 at
2 [https://www.seattle.gov/documents/Departments/SDCI/Codes/SeattleFireCode/2018SFCCChapter1.](https://www.seattle.gov/documents/Departments/SDCI/Codes/SeattleFireCode/2018SFCCChapter1.pdf)
3 pdf.

4 I swear under the penalty of perjury under the laws of the United States that the foregoing
5 is true and correct.

6 DATED this 29th day of September, 2022, at Seattle, Washington.

7
8 *s/Shane P. Cramer*
SHANE P. CRAMER